Emily L. Maxwell (Bar No. 185646)
maxwelle@howrey.com
HOWREY LLP
525 Market Street, Suite 3600
San Francisco, CA 94105
415-848-4947
415-848-4999 (fax)

Garrett D. Blanchfield, Jr. (*pro hac vice* application to be filed)
g.blanchfield@rwblawfirm.com
REINHARDT, WENDORF & BLANCHFIELD
E1250 First National Bank Bldg.
332 Minnesota Street
St. Paul, MN 55101
651-287-2100
651-287-2103 (fax)

[ADDITIONAL COUNSEL ON SIGNATURE PAGE]

Attorneys for Plaintiff, on behalf of herself and others similarly situated

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NICOLE JOHNSON, on behalf of herself and others similarly situated, *Plaintiff,* vs. WALMART.COM USA LLC, WAL-MART STORES, INC. and NETFLIX, INC. *Defendants.*	Case No.: C 09-0553 (EMC) **NOTICE OF RELATED CASE PURSUANT TO CIVIL L.R. 3-12 TO BE FILED IN CASE NO. CV-09-0002 (PJH); ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED, PURSUANT TO CIVIL L.R. 7-11**

Plaintiff, Nicole Johnson, on behalf of herself and others similarly situated (hereinafter "Plaintiff") hereby respectfully submit this Notice of Related Case, Pursuant to Civil L.R. 3-12 and the required Administrative Motion to Consider Whether Cases Should be Related, Pursuant to Civil L. R. 7-11.

I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12

Under Civil Local Rule 3-12, an "action is related to another when: (1) the actions concern substantially the same parties, property, transaction or event, and (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges." Civil L.R. 3-12(a).

Whenever a party knows or believes that an action may be related to an action which is or was pending in the Northern District, said party "must promptly file in the earliest-filed case an Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11."[1] Civil L.R. 3-12(b). That motion must include: "(1) The title and case number of each apparently related case; (2) A brief statement of the relationship of the actions according to the criteria set forth in Civil L.R. 3-12(a)."

II. THE NEWLY FILED *JOHNSON* AND *GANNON* CASES ARE RELATED TO *RESNICK* AND ITS PROGENY.

The *Resnick* case was filed in this Court on January 2, 2009 (C 09-0002). Subsequently, a number of related complaints were filed. This Court has issued a series of orders finding the following cases are related to *Resnick*:

(1) *O'Connor v. Walmart.com USA LLC, et al.,* C 09-0096

(2) *Endzweig v. Walmart.com USA LLC, et al.,* C 09-00111

(3) *Schmitz v. Walmart.com USA LLC, et al.,* C 09-00116

(4) *Lynch, et al. v. Walmart.com USA LLC, et al.,* C 09-00138

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[1] "In addition to complying with Civil L.R. 7-11, a copy of the motion, together with proof of service pursuant to Civil L.R. 5-6, must be served on all known parties to each apparently related action. A Chambers copy of the motion must be lodged with the assigned Judge in each apparently related case under Civil L.R. 5-1(b)." Civil L.R. 3-12(b).

(5) *Groce, et al. v. Netflix, Inc., et al.*, C 09-00139.

(6) *Anthony v. Walmart.com USA LLC, et al.,* C 09-0236;

(7) *Sivek v. Walmart.com USA LLC, et al.*, C 09-00156;

(8) *Faris v. Netflix, Inc., et al.,* C-09-0180;

(9) *Slobodin v. Walmart.com USA LLC, et al.*, C-09-225;

(10) *Polk-Stamps v. Walmart.com USA LLC, et al.*, C-09-244;

(11) *Meyer v. Walmart.com USA LLC, et al.*, C 09-00361;

(12) *Sheeler v. Walmart.com USA LLC, et al.* C 09-274;

(13) *Chapman v. Walmart.com USA LLC, et al.*, C-09-294;

(14) *Orozco v. Walmart.com USA LLC, et al.*, C-09-297;

(15) *Grime v. Walmart.com USA LLC, et al.*, C-09-349;

(16) *Landels, et al. v. Walmart.com USA LLC, et al.*, C-09-340;

(17) *Randall v. Walmart.com USA LLC, et al.*, C-09-368;

(18) *Miscioscia v. Walmart.com USA LLC, et al.*, C-09-377;

(19) *Hirsch v. Walmart.com USA LLC, et al.*, C-09-375;

(20) *Chatelain v. Walmart.com USA LLC, et al.*, C-09-391;

All of the above-listed cases are now assigned to Judge Phyllis J. Hamilton.

Like the other cases already found to be related to *Resnick*, the *Gannon* and *Johnson* complaints should be related to *Resnick* and assigned to Judge Hamilton. These cases were filed on February 6, 2009 and bear case numbers C 09-0554 and C 09-0553, respectively.

Like the previously-related cases, these cases involve the exact same transactions and events, the identical defendants, the identical or virtually identical allegations and causes of action, and the same proposed class of plaintiffs. Accordingly, there will be unduly burdensome duplication of labor and expense and there will be a risk of conflicting results if these cases are not related to *Resnick* and assigned to Judge Hamilton like the other related cases listed above.

Dated: February 6, 2009

Respectfully submitted,

By: /s/ Emily Maxwell

Emily Maxwell
HOWREY LLP
525 Market Street, Suite 3600
San Francisco, CA 94105
415-848-4947
415-848-4999 (fax)

Paul Alexander
HOWREY LLP
1950 University Avenue
East Palo Alto, CA 94303
650-798-3500
650-798-3600 (fax)

Garrett D. Blanchfield, Jr.
REINHARDT, WENDORF & BLANCHFIELD
E1250 First National Bank Bldg.
332 Minnesota Street
St. Paul, MN 55101
651-287-2100
651-287-2103 (fax)

Eugene A. Spector
Jeffrey J. Corrigan
Theodore M. Lieverman
Jay S. Cohen
Jonathan M. Jagher
SPECTOR ROSEMAN KODROFF
& WILLIS, P.C.
1818 Market Street
Suite 2500
Philadelphia, PA 19103
215-496-0300
215-496-6611 (fax)

Attorneys for Plaintiff and others similarly situated